



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 6/25/02
AGENDA ITEM 06/04/02
WORK SESSION ITEM 84

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Hearing on Report and Assessment for Weed Abatement Fees Past Due

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution confirming the report and assessment for overdue weed abatement fees for the 2001 calendar year, and authorizing the assessment to become a lien against the properties if not paid on or before July 22, 2002.

BACKGROUND:

Weed, rubbish and litter abatement is carried out for both aesthetic and fire prevention purposes. Work consists of removal of weeds, rubbish, debris, and litter from both privately-owned and City-owned properties.

For a first-time violation, there is no charge for the compliance inspection process, if corrections have been satisfactorily completed by the indicated reinspection date. However, if the violation is not corrected, then a \$200 fee is assessed based on the standard cost for staff time and materials to process a typical violation. This includes the cost of both the initial inspection and the compliance inspection, site photographs, researching property ownership records, sending abatement notices, preparing and maintaining the case file, internal vehicle charges, et cetera. For a repeated violation of the same ordinance within 12 months by the same property owner, an inspection fee of \$325 (\$200 plus a \$125 penalty fee) is charged. For those properties that are abated by the City's contractor, a City fee of \$100 is imposed, in addition to the contractor charges, to cover the City's costs of verifying the adequacy of the contractor's work and processing the invoice. If it is necessary to place a lien on a property to recover unpaid inspection or contractor's fees, an additional \$100 fee is levied to cover City costs.

As in past years, in conjunction with the annual City-wide weed survey done in April, a reminder notice was mailed to those property owners who had received a Notice to Abate the previous year, whether the owner corrected the violation or the City's contractor was required to do so. Notices were also sent throughout the year to owners of property found to be in violation that had not previously received a notice in conjunction with the annual survey.

As of this writing, overdue bills affecting 16 properties (including contractor costs) amount to approximately \$5,764. Amounts currently due include a \$5 per month late charge and 1% interest per month on charges more than thirty days past due.

The purpose of tonight's hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed by resolution.

The unpaid charges, plus any administrative costs of the City and County, will then become a lien on the property and will appear on the November tax bill. When the property taxes are paid, or when the property is sold or refinanced, the County remits funds to the City. Abatement charges constitute a special assessment against the property. However, sometimes it is not possible to establish a lien to collect an overdue bill because the current owner was not the party responsible for the debt. In these instances, the Finance Director pursues collection of the debt from the responsible individual through the City Collection Officer, collection agency, or litigation as appropriate.

Public Notice

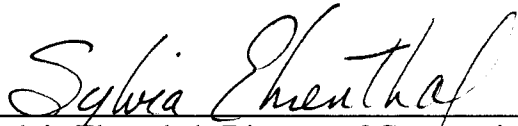
Notice of this hearing was published in the Daily Review on May 21 and May 25, 2002. A notice of this hearing was also sent by certified mail to each property owner, mortgagee or beneficiary indicated on the current assessor's roll. In addition, staff sent a courtesy letter to all those affected in April, informing them of the impending proceedings and encouraging them to pay their bills to minimize fees and be removed from the proposed assessment list.

Prepared by:



William Mork, Senior Community
Preservation Inspector

Recommended by:



Sylvia Ehrenthal, Director of Community
and Economic Development

Approved by:


Jesús Armas, City Manager

Exhibits: A – 2001 Proposed Weed Abatement Assessment List
Resolution

REPORT ID: FMIS-AR851
DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

CITY OF HAYWARD
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATION

REPORT PRINT DATE: 05/29/2002
PAGE NO. 3 TIME: 10:53

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT STAT
BILLED TO		MAP BLOCK	PARCEL INVOICE DESCRIPTION			
113973	11/29/2001	427 0006 010 01	LIU WEN B & CHIAO NIEN LIU, WEN B & CHIAIAO, NEN P O BOX 919 CUPERTINO CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN01-1149; WEED INSPECTION FEES; 22775 SECOND ST, HAYWARD; APN 427-0006-010-01. QUESTIONS CALL ROBBIE 510/583-4171. SEE PAYMENT INFO BELOW.	22775 2ND ST 95015	205.00	4630 001 46
19373 LIU, WEN B & CHIAIAO, NEN				TOTAL	205.00	
112462	08/13/2001	427 0006 024 02	NAZARETH TERESA 21550 FOOTHILL BL HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN01-0872, WEED INSPECTION FEE @ 1103 "D" ST. HAYWARD; APN 427-0006-024-02.QUESTIONS CALL ROBBIE AT 510/583-4171. SEE BELOW FOR PAYMENT INFORMATION	1103 D ST 94541	481.00	4630 001 46
12213 NAZARETH, TERESA				TOTAL	481.00	
113995	11/29/2001	432 0040 045 01	O'CONNELL BARBARA J & PATRICK A 4715 SCARLET SAGE DR PUEBLO CO WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN01-1120; WEED INSPECTION FEES @ 22680 HAPPY LAND AV, HAYWARD. APN 432-0040-045-01. QUESTIONS CALL JOANNE 510/583-4172. PAYMENT INFO SHOWN BELOW	22680 HAPPYLAND 81001	205.00	4630 001 46
11442 O'CONNELL, BARBARA & PATRICK				TOTAL	205.00	
112463	08/13/2001	431 0028 018 00	OMEARA JENNIE R 29083 MISSION BL HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN01-0727 WEED INSPECTION & ABATEMENT FEES AT 29083 MISSION BL; APN 431-0028-018. QUESTIONS: 510 583-4172 FOR JOANNE. SEE BELOW FOR PAYMENT INFO.	391 C ST 94544	872.00	4630 001 46
15360 OMEARA, JENNIE				TOTAL	872.00	
107949	01/05/2001	081D 1901 007 00	SORENSEN CHRISTIAN E 27751 FALLEN LEAF CT HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION	27751 FALLEN LEAF CT 94542	205.00	4630 001 46

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION CONFIRMING THE REPORT OF THE
ENFORCEMENT OFFICER FOR WEED, RUBBISH, AND
LITTER ABATEMENT FROM CERTAIN PROPERTIES IN
THE CITY OF HAYWARD IN CONNECTION WITH THE
WEED ABATEMENT PROGRAM FOR 2001**

WHEREAS, in connection with the 2001 Weed Abatement Program, the Enforcement Officer has rendered an itemized report in writing to this Council showing the cost of removing weeds, rubbish, refuse, and litter from certain properties in the City of Hayward described in the report, all as required by section 4-1.62 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 8 p.m. on Tuesday, May 7, 2002, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by section 4-1.63 of the Municipal Code; and

WHEREAS, the hearing was held at the time and place fixed, and the City Council has considered the report and all comments with respect thereto; and

WHEREAS, at the time and place if the hearing, evidence of the violations was presented and an opportunity to dispute such evidence provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that except as amended by council, report of the Enforcement Officer of the City of Hayward Weed Abatement Program on the cost of removing weeds, rubbish, refuse, and litter from the properties therein described, a copy of which is attached hereto, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of assessments confirmed hereby may be received by the City of Hayward Finance Director up to the hour of 5 p.m. on July 22, 2002, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA _____ , 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward